



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2303383
Applicant Name: James Barnett
Address of Proposal: 3825 – 17th Avenue SW

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) unit lots in an environmentally critical area. This subdivision of property is only for the purpose of allowing the sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Construction has consisted of repair and renovation work on the existing structures only, and no new construction is proposed.

The following approvals are required:

Short Subdivision - to subdivide one existing parcel into two lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code).

SEPA - Environmental Determination – Chapter 25.05, SMC

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 5,000 square-foot property is located on the west side of 17th Avenue Southwest, between Southwest Charlestown and Southwest Andover Streets in the Delridge neighborhood of West Seattle. Access to the site is via 17th Avenue Southwest, which is paved. There is no platted alley for access.

According to the City of Seattle Geographic Information Service (GIS) land use maps, the site slopes gradually uphill from east to west. The westerly two-thirds of the property is mapped as an Environmentally Critical Area (ECA) due to the presence of landslide-prone conditions and steep slopes of 40% average slope or greater.

The subject property and lots to the west and south are zoned Multi-family Lowrise 1 (L-1). Properties to the east across 17th Avenue Southwest are zoned IB U/85': Industrial Buffer, with an unlimited height for most structures and an 85-foot height limit for structures according to the provisions of Seattle Municipal Code (SMC) Section 23.50.024. Development in the area consists of small multi-family structures and single family homes, as well as some commercial and industrial buildings to the east and north.

Proposal Description

The proposal is to subdivide one parcel into two (2) unit lots with vehicle access provided from 17th Avenue Southwest. There is an existing single family residence and existing duplex structure on the property that will remain, and no new construction is proposed. Vehicle access to the proposed lots will be from 17th Avenue Southwest. The proposed unit lot sizes are: A) 1,600 sq. ft.; and B) 3,400 sq. ft. Both proposed lots have vehicle access to 17th Avenue Southwest. Since no new construction is proposed. The subject of this analysis and decision is only the proposed division of land. The ECA steep slope development and landslide development standards apply to the project and site. Environmental review is required for the short subdivision proposal on a site within a steep slope and landslide-prone environmentally critical area.

Public Comments

The comment period for this proposal ended on August 11, 2004. No comment letters were received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC Section 23.24.040 no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L-1 zone. The density standard stated in SMC Section 23.45.008, which permits no more than 1 unit for each 1600 square feet, is met for the development as a whole. The proposal either conforms to development standards in all other respects or, to the extent the existing structures are nonconforming to current standards, they are recognized as legally nonconforming. Permission was granted to establish the existing duplex structure and existing separate single family residence “for the record” prior to July 24, 1957 under Seattle Master Use Permit No. 745043, issued August 31, 2004. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. Both unit lots are provided direct vehicular access to 17th Avenue Southwest consistent with the requirements of the Code.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required. The easement as described in Seattle City Light memorandum dated September 7, 2004, and Exhibit “A” to City of Seattle Short Subdivision No. 2303383 – P.M. # 240313-1-004 shall be included on the final plat prior to recording.

3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. The Short Plat application has been reviewed by Seattle Public Utilities and Water Availability Certificate No. 2004-1051 was issued on July 20, 2004.
4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An

equally important objective is to ensure that new development is compatible with neighborhood character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Address signage shall be posted such that addresses for all units are visible from 17th Avenue Southwest. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. Although the site is within an environmentally critical area as defined in SMC 25.09.240, no new construction is proposed and the existing conditions of any critical areas will not be affected by the proposed short subdivision.
6. No existing trees or vegetation on site is proposed to be removed or will be affected by the proposed short subdivision.
7. Section 23.24.045 of the Seattle Municipal Code provides that sites developed or proposed to be developed with townhouses, cottage housing developments, residential cluster development and single-family residences may be subdivided into individual unit lots. The development as a whole shall meet development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision:

The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.

As conditioned above, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The unit lots to be created by this unit subdivision may not be individually consistent with the provisions of SMC 23.24.045 for the Lowrise 1 zoning development standards such as setbacks, open space, and structure width and depth. However, the development when considered as a whole meets all standards set forth in the Land Use Code or has been approved as legally nonconforming under Permit No. 745043. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage

disposal have been provided for each unit lot and service is assured, subject to standard conditions governing utility extensions.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The proposal site is located in a landslide-prone and steep slope critical area. Thus, the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review included identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 16, 2004 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

The SEPA Environmentally Critical Areas Policy (SMC 25.05.908) provides a listing of categorically exempt activities in certain environmentally critical areas as mapped and regulated in SMC 25.09, Regulations for Environmentally Areas, which are subject to additional environmental review to determine impacts and to provide further mitigation beyond the development standards required by all City codes. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term/Long-term Impacts

There are no anticipated significant negative impacts to the Steep Slope or landslide-prone Environmentally Critical Areas from the proposed subdivision. No further development is proposed at the present time. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used in the event of future development.

Summary

In conclusion, there are no environmental impacts to the ECA that could result from the proposed short subdivision and all environmental impacts have been found to be insignificant and/or have been mitigated by applicable city codes and ordinances.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility and pedestrian easements.
6. Provide a covenant and/or an easement to allow for posting of unit lot addresses visible from 17th Avenue Southwest and to ensure that the address signage is maintained.
7. Record with the King County Assessor a Side Sewer Easement, Connection, Hold Harmless and Indemnification Agreement between the proposed unit lots in the form acceptable to DPD.

CONDITIONS - SEPA

None required.

Signature: (signature on file) Date: September 20, 2004
William K. Mills, Land Use Planner
Department of Planning and Development

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